

REMARKS

Claims 1, 5 and 14 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. In response, Applicant amended claim 1 to clarify how the extrusion rod is slidably inserted into the pump housing. Applicant has also deleted “piston rod” from claim 1 and inserted “extrusion rod”. Based on these amendments to the claim, withdrawal of the §112, first paragraph, written description rejection is respectfully requested.

Claims 1, 5 and 14 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. More specifically, Applicant has amended claim 1 based on the Examiner’s proposed changes to the claim in line 8 to provide proper antecedent support for the “tip end” and “pump housing”. Lines 9 and 12 of claim 1 are also amended as suggested by the Examiner. With respect to line 20 of claim 1, since the “piston rod” is now clarified as an “extrusion rod”, antecedent basis is provided for this element. For these reasons, withdrawal of the §112, second paragraph, indefiniteness rejection is respectfully requested.

Claims 1 and 5 stand rejected under 35 U.S.C. §102(b) as being anticipated by Dewitte et al. (U.S. Patent No. 4,957,572). In response, Applicant amended independent claim 1 to clarify that the step of supplying the spacer forming material fed into the pump chamber to the applicator head occurs by the extrusion rod being moved forward, which causes all of the spacer forming material displaced by the extrusion rod to pass through between the inner peripheral surface of the pump housing and the outer peripheral surface of the extrusion rod, and respectfully traverses.

In the outstanding Office Action on page 5, second paragraph, it is asserted that Dewitte teaches supplying the spacer forming material fed into the pump chamber 37 to the applicator head by an extrusion rod being moved forward to cause the spacer forming material to pass through between the inner peripheral surface of the pump housing defining chamber 37 and the outer peripheral surface of the extrusion rod. (See col. 8, lines 31-39 of Dewitte, wherein the material moves into space 49). Dewitte discloses that a heated piston 38 has a bronze ring 48, with the heated piston being located in an extrusion chamber 37. (See FIG. 3 of Dewitte). A space 49 is located adjacent the heated piston 38 and is capable of receiving material. Col. 8, lines 35-37 of Dewitte disclose that some material has a tendency to escape into the space 49 of the extrusion chamber behind the ring 48. Dewitte further discloses that to prevent the material from accumulating in the space 49, there is an escape hole. Wells 40, 41 are also provided with escape holes since the bronze ring 48 cannot guarantee a perfect sealing.

However, one difference between Dewitte and the present invention is that the material formed in the space 49 is not supplied to the applicator head, but is instead allowed to escape through the escape hole or holes. Since the present invention now clarifies that in the step of feeding the spacer forming material all of the spacer forming material displaced by the extrusion rod passes between the inner peripheral surface of the pump housing and the outer peripheral surface of the extrusion rod, Applicant respectfully submits that Dewitte fails to disclose or suggest this step. This is because Dewitte loses some of the material through the escape hole or holes. For this reason, withdrawal of the §102(b) rejection of amended claims 1 and 5 is respectfully requested.

Claims 1 and 5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the Applicant's Admitted Prior Art (AAPA) in view of Dewitte. Applicant respectfully traverses the rejection for the reasons recited above with respect to the §102(b) rejection based on Dewitte.

On page 7, second paragraph of the outstanding rejection, the Examiner admits that the AAPA is silent regarding a step of feeding of the spacer forming material to the pump chamber by an extrusion rod being moved backward by the extrusion pressure of the spacer forming material extruded from extruding means. As discussed above with respect to the §102(b) rejection based on Dewitte, Dewitte also fails to disclose or suggest supplying the spacer forming material wherein all of the spacer forming material displaced by the extrusion rod is passed through between the inner peripheral surface of the pump housing and the outer peripheral surface of the extrusion rod. Thus, any combination of the AAPA and Dewitte fails to disclose or suggest this feature. For this reason, withdrawal of the §103(a) rejection of claims 1 and 5 is respectfully requested.

Claim 14 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Dewitte, and further in view of Heinzl et al. (U.S. Patent No. 4,363,426). Applicant respectfully traverses the rejection for the reasons recited above with respect to the §102(b) rejection of independent claim 1.

The deficiencies of Dewitte are noted above. Heinzl is merely cited for disclosing a method of applying a resin, wherein two pumps are connected in parallel and one pump can dispense a resin material while the chamber of another pump is filled with

resin material. However, Heinzl fails to overcome the deficiencies of Dewitte, and in particular fails to disclose or suggest a supplying the spacer forming material step that causes all of the spacer forming material displaced by the extrusion rod to pass through between the inner peripheral surface of the pump housing and the outer peripheral surface of the extrusion rod. Accordingly, any combination of Dewitte and Heinzl fails to disclose or suggest the above described feature of amended claim 1. For this reason, withdrawal of the §103(a) rejection of claim 14 is respectfully requested.

Claim 14 stands rejected under 35 U.S.C. §103(a) as being unpatentable over the AAPA in view of Dewitte, and further in view of Heinzl. Applicants respectfully traverse the rejection for the reasons recited above with respect to the §102(b) rejection of independent claim 1.

As discussed above, none of the AAPA, Dewitte or Heinzl disclose or suggest the supplying the spacer forming material step as now recited in amended claim 1. Accordingly, any combination of these references is deficient regarding this feature. For this reason, withdrawal of the §103(a) rejection of claim 14 is respectfully requested.

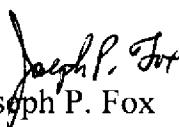
For all of the foregoing reasons, Applicant submits that this Application is in condition for allowance, which is respectfully requested. The Examiner is invited to contact the undersigned attorney if an interview would expedite prosecution.

If a Petition under 37 C.F.R. §1.136(a) for an extension of time for response is required to make the attached response timely, it is hereby petitioned under 37 C.F.R. §1.136(a) for an extension of time for response in the above-identified application for the period required to make the attached response timely. The Commissioner is hereby authorized to charge any additional fees which may be required to this Application under 37 C.F.R. §§1.16-1.17, or credit any overpayment, to Deposit Account No. 07-2069.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By


Joseph P. Fox
Registration No. 41,760

August 26, 2009
300 South Wacker Drive
Suite 2500
Chicago, Illinois 60606
(312) 360-0080
Customer No. 24978